1992

Gail O. Hansen v. John Heath : Reply Brief

Utah Supreme Court

Roger Bullock; Strong and Hanni; Attorneys for Appellee.
Mitchell R. Jensen; John Farrell Fay; Jim Mouritsen; Siegfried and Jensen; Attorneys for Appellant.

BRIEF **IN THE UTAH SUPREME COURT** gray 2

CKET NO. 920225

GAIL O. HANSEN,	)	
	)	
Plaintiff and Appellant,	)	
	)	
	)	
vs.	)	
	)	Case No. 920225
	)	C89-662
JOHN HEATH, Personal Representative of the Estate of JAMES WOO, Deceased,	)	
	)	
	)	
Defendant and Appellee	)	**Priority No. 16**
	)	
	)	

REPLY BRIEF OF APPELLANT GAIL O. HANSEN

APPEAL FROM AN ORDER AND JUDGMENT ENTERED IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH, THE HONORABLE KENNETH RIGTRUP PRESIDING

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Personal Representative of
the estate of James Woo, Deceased

IN THE UTAH SUPREME COURT

GAIL O. HANSEN,	)	
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Plaintiff and Appellant,	)	
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TABLE OF AUTHORITIES

JURISDICTION

This court has jurisdiction to hear this appeal pursuant to Utah Code Annotated § 78-2-2(3)(j)(1991).

STATEMENT OF ISSUES PRESENTED FOR REVIEW

ISSUE I: Did the trial court abuse its discretion in admitting fatally prejudicial medical records which recited an unreliable hearsay statement? Questions as to the admissibility of evidence are governed by the abuse of discretion standard. **Pearce v. Wistisen, 701 P.2d 489 (Utah 1989).**

ISSUE II: Did Hansen adequately preserve her objection to the hearsay in the medical records and in the testimony of Dr. Freedman by means of pre-trial motions and in-chambers evidentiary hearings? It is for this Court to determine whether an issue has been adequately raised in the trial court for consideration of the issue on appeal. **Franklin Financial v. New Empire Develop. Co., 659 P.2d 1040 (Utah 1983).**

ISSUE III: Was the speculation of Dr. Freedman regarding an alleged blackout of Mr. Woo inadmissible, and did its admission constitute fatal error? Questions as to the admissibility of evidence are governed by the abuse of discretion standard. **Pearce v. Wistisen, 701 P.2d 489 (Utah 1989).**

DETERMINATIVE STATUTES AND RULES

1. **Utah Rules of Evidence, Rule 703:**

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to him at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

2. **Utah Rules of Evidence, Rule 803 (4):**

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

...

(4) **Statements for purposes of medical diagnosis or treatment.** Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

3. **Utah Rules of Evidence, Rule 803 (6):**

(6) **Records of regularly conducted activity.** A memorandum, report, record or data compilation, in any form, of acts, events, conditions, opinions or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" us used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

4. **Utah Rules of Evidence, Rule 805**

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

STATEMENT OF CASE

Nature of the Case and Course of Proceedings

Plaintiff and appellant **Gail O. Hansen** (**"Ms. Hansen"**) brought this action in the **Third Judicial District Court** to recover compensation for injuries she sustained as a result of an automobile collision. Ms. Hansen's vehicle was struck from behind by a vehicle driven by **James Woo** (**"Woo"**), who died during the pendency of this action of causes unrelated to the collision. (R. at 3, 12, 97-99.) The case resulted in a jury verdict of no cause of action. (R. 463-464.)

Statement of Facts

1. Plaintiff incorporates by reference the statement of facts from her priniple brief as if fully set forth.

RELIEF SOUGHT ON APPEAL

Plaintiff/appellant Gail O. Hansen respectfully requests this court to reverse the judgment entered against her and remand for a new trial, because the trial court erred in admitting impermissible hearsay evidence addressing the cause of the collision, through medical records and speculative medical testimony based upon this hearsay.

SUMMARY OF ARGUMENT

INADMISSABLE HEARSAY ADMITTED TO PLAINTIFF'S SUBSTANTIAL PREJUDICE: The hearsay statement reportedly made by the defendant, that he had suffered a momentary black-out, was first made long after the collision, so as to raise grave suspicions of fabrication or misstatement. Defendant's ambiguous statement, as reported in the medical records, is impermissible hearsay because it was not within any exception to the hearsay rule and thus the trial court should have excluded it. If this hearsay statement, and all speculation based upon it, were properly excluded, then likewise, the medical testimony of Dr. Freedman about the alleged blackout should properly have been excluded so as to avoid allowing in inadmissible hearsay and speculation regarding the alleged black-out.

POINT I.

THE HEARSAY IN WOO'S MEDICAL RECORDS RELATING TO HIS ALLEGED BLACK-OUT IS INADMISSIBLE AND ITS ADMISSIONS RESULTED IN SUBSTANTIAL PREJUDICE TO HANSEN, AND WAS REVERSIBLE ERROR

To make Defendant Woo's hearsay statement admissible for its truth, defendant must establish that the statement came within one of the narrow exceptions to the hearsay rule. Hansen has discussed, in her principle brief, the reasons why the statement

does not come within the exception offered by **Rule 803 (4)** of the **Utah Rule of Evidence ("U.R.E.")**, which allows hearsay statements which were made for purposes of medical diagnosis or treatment. In this section she will briefly respond to the arguments raised by defendant as to why he believes this exception should apply. Further, Hansen will reply to defendant's arguments that **Rule 803 (6)** of the **U.R.E.** should be applicable to allow the records at issue into evidence.

A. The Statement Allegedly Made by Woo Was Not For Purposes of Diagnosis or Treatment, But Was Merely Exculpatory, and So It Should Not Be Allowed Into Evidence Under Rule 803 (4)

The hearsay statement allegedly made by Woo **nearly an hour after the collision**, at the hospital, appears on its face as an attempt to explain what had happened, rather than a statement to a medical professional for purposes of diagnosis or treatment. **Defendant's Trial Exhibit Number 12**, a copy of which is attached as **Exhibit "A"**, reflects that Woo reportedly stated that "he was driving and suddenly lost consciousness [without] warning. Remembers nothing until a lady was pulling him from his car."

This statement, on its face, appears to be a response to a question such as "what happened?" or "how did this collision occur?" An answer to this type of question does not qualify as a statement to a medical professional for purposes of diagnosis or treatment, and the trial court should properly have excluded it.

Numerous courts have interpreted rules of evidence in other jurisdictions which are identical to Utah's **Rule 803 (4)** not to allow statements made for the purpose of explaining the cause of the injury or incriminating the person or force responsible for the accident. In addition to those cases and authorities cited in Hansen's principle brief, the case of **Hatfield v. Andermatt, 561 N.E.2d 1023 (Ohio App. 1988)** is relevant. In **Hatfield** the Ohio Court of Appeals, in interpreting Ohio's version of Rule 803 (4), held that a "statement in a hospital or emergency squad record regarding the cause of the injury **or the manner in which the accident happened are not admissible** insofar as they are not pertinent to the diagnosis or treatment of the patient. [emphasis added.]" Id. at 1026. (citing **McQueen v. Goldey 484 N.E.2d 712 (Ohio App. 1984)**).

The rationale underlying the exception found at Rule **803 (4)** is stated to be the presumption that "the particular facts relied on will be trustworthy because the integrity and specialized skill of the expert will keep him or her from basing his or her opinion on questionable matter. The right to cross-examine the expert reinforces the probability of reliability." **State v. Schreuder, 726 P.2d 1215 (Utah 1986)** (commenting on Rule 703 and Rule 803 (4)).

The rationale stated by the **Schreuder** court is inapplicable here. The expert who testified at the trial, Dr. Freedman, was not the doctor (expert) who had examined Woo, treated him and recorded his hearsay statement. Dr. Freedman had **never** seen nor treated

Woo. He was hired by the defendant merely to review the medical records and determine whether the alleged "black-out," assuming it occurred, was foreseeable. The first premise of the rationale stated by the **Schreuder** Court is inapplicable where the testifying expert is not the doctor (expert) who treated and assessed the hearsay declarant, and recorded the hearsay statement. For this reason, **Schreuder** is not persuasive here.

Defendant, in his brief, insinuates that Hansen could have called Dr. Scovill, Woo's treating physician and allegedly the person who recorded the hearsay statement. Dr. Scovill was unable to testify at trial. Defense counsel Roger Bullock was unsuccesful in his attempts to locate Dr. Scovill, and thus was forced to hire Dr. Freedman.

Consequently, Hansen had no opportunity to call and incisively cross-examine Dr. Scovill as to the exact nature of the statement which she allegedly heard from Woo, and so the second premise of the rationale proposed by the **Schreuder** court is inapplicable also. Cross-examination of a "second hand" expert who is unfamiliar with the patient and his communication abilities and difficulties cannot replace the right to question either the hearsay declarant, Woo, or, at the least, Dr. Scovill, who recorded the hearsay. Naturally, it follows that where the elements of the rationale for **Rule 803 (4)** under **Schreuder** are not applicable, the trial court should not have admitted the challenged evidence under **Rule 803(4).**

The hospital records which contain the hearsay and speculation regarding Woo's alleged "black-out" are inadmissible and the trial

court should not have allowed them to come into evidence. This error completely foreclosed Hansen's recovery for her injuries occasioned by Woo's negligence. Their admission clearly is reversible error as they worked a fatal prejudice to Hansen's rights.

B. The Records Containing Woo's Hearsay Statements Are Not Admissible Under Rule 803 (6) as the Source of the Information Contained Therein Indicates A Lack of Trustworthiness

In his brief, defendant raises the argument that the questioned hospital records should be admissible pursuant to **U.R.E. Rule 803 (6)**. This rule allows regularly kept records of a business, here a hospital, to be admissible despite the hearsay rule. Defendant argues that the requirements of **Rule 803 (6)** are met, in that Dr. Freedman was a "qualified witness" to testify that the records were "kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity" to make those records. (See Rule 803 (6)). It is arguable, however, that a doctor from one hospital is "qualified" to authenticate another hospital's records.

Beyond the question of whether defendant laid a proper foundation under Rule 803 (6), clearly the court should not have permitted these records under provision (6) of Rule 803, which provides that if the "source of information or the method or circumstances of preparation indicate lack of trustworthiness" the records should be excluded, even if they are otherwise business

records as defined by Rule 803 (6). In the instant case, there is obvious "lack of trustworthiness" in the "source of information or the method or circumstances of preparation".

As discussed at length in Hansen's principle brief, Woo was elderly, somewhat infirm and not fluent in English. He was suffering from the shock and confusion of a severe automobile collision when he allegedly made his statement, almost one hour after the collision. One hour is ample time in which to fabricate an explanation for his negligence. Clearly these facts taken together constitute a "lack of trustworthiness" in the "source of information or the method or circumstances of preparation".

Compounding the fact that the accuracy in the transmission of the statement was questionable, there is the fact that only Dr. Scovill, the treating physician, knew if the remark was in response to a question. Only Dr. Scovill could assess whether the "failure to remember" anything was a result of retrograde amnesia attributable to the crash, or reflected a momentary distraction because of Woo's other health problems, or arose from any of a myriad of other reasons. In any of these instances, Woo would be liable and Hansen would recover.

Because of the unavailability of Dr. Scovill, the hearsay remark is hearsay within hearsay, or double hearsay -- Woo's alleged statement as one level of hearsay, and Dr. Scovill's recordation of the statement in the medical records as the second level. Neither of the hearsay declarants was available to be put under oath, or cross-examined on the details of Woo's statements.

Rule 805 of the **U.R.E.** allows that "[h]earsay included within hearsay is not excluded under the hearsay rule **if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.**" [Emphasis added.] Assuming arguendo that the hearsay from Dr. Scovill was admissible, Woo's self-serving statements were not. Consequently, the trial court should have excluded the hearsay and speculation in the medical records about Woo's alleged "black-out" should have been excluded. The trial court's failure to exclude this evidence constitutes reversible error.

POINT II.

THERE IS NO WAIVER OF OBJECTION WHERE PLAINTIFF MADE A MOTION IN LIMINE FOR A RULING ON THE QUESTIONED EVIDENCE, AND WHERE AN EVIDENTIARY HEARING WAS HELD BEFORE THE JUDGE WHICH PRESIDED OVER THE TRIAL

Defendant cites a number of cases for the proposition that an objection to evidence must be raised at trial or be waived. Plaintiff does not dispute this. Plaintiff does dispute defendant's contention that a pre-trial motion is inadequate to preserve a party's objection to evidence. The rule from the case cited by defendant as support for this proposition, **State v. Lesley, 672 P.2d 79 (Utah 1983)**, was limited by this Court to situations wherein the party made a pre-trial motion to exclude evidence **before a law and motion judge**, and then failed to raise the same objection later, before the trial judge. **State v.**

Johnson, 748 P.2d 1069, 1071 (Utah 1987). (See also **State v. Griffin, 754 P.2d 965, 967 (Utah App. 1988).**)

Defendant also cites **Barson v. E.R. Squibb & Sons, 682 P.2d 832 (Utah 1984)** as support for his argument that plaintiff waived her objection to the disputed evidence. **Barson** is distinguishable in that the party objecting to the evidence based his objection on one ground, but failed to adequately raise an argument as to the other ground before the trial court. Consequently, the trial court did not have an opportunity to rule with finality on that issue, so an appeal could not be predicated on that basis.

This Court's rule in **Johnson** is controlling. The facts of the instant case reflect that Plaintiff Hansen made numerous pre-trial motions, including a Motion to Strike [R. 100-114], a Motion for Partial Summary Judgment [R.275-319] (which Motion was admittedly not considered by the Court due to Rule 4-501 (3) (g) of the Code of Judicial Administration) and a Motion in Limine [R. 336-353], all before the trial judge. Plaintiff obtained rulings on the challenged evidence from the trial court. Consequently, plaintiff's objections to the records containing the inadmissible hearsay, and to the speculations in Dr. Freedman's testimony, are preserved.

Beyond the fact that plaintiff adequately preserved her objections by means of a pre-trial Motion to Strike, Motion for Partial Summary Judgment and Motion in Limine, plaintiff reasserted her objections during the trial, at evidentiary hearings in chambers. [R. 485-494, 555-559] In a conference before the trial

judge on April 1, 1992, the second day of the trial, plaintiff's counsel argued and offered supporting authorities for the proposition that "the Interrogatories...and the Declaration of Mr. Woo do not fit under any exception to the hearsay rule". [R. 485-486] Further, on April 2, 1992, plaintiff's counsel again argued the trial court must exclude the testimony of Dr. Freedman and the references to an alleged "black-out." He argued such testimony and/or references to questionable statements should not be allowed "to come in through the [hospital] records that the Defendant stated at the hospital to someone that he had experienced a sudden loss of consciousness." [R. 555] On both occassions, plaintiff's counsel went on to argue that the hearsay exceptions discussed in the briefs before this Court do not permit admission of such speculative and questionable hearsay.

It is abundantly clear that plaintiff repeatedly reaffirmed her objection to the "black out" hearsay statements of Woo and to the speculative medical testimony arising from this hearsay. The trial court admitted the evidence, and in so doing fataly prejudiced Hansen's rights. This Court needs to rectify these errors by a reversal of the judgment and remand for a new trial.

POINT III.

THE INADMISSIBLE AND HIGHLY PREJUDICIAL HEARSAY CONTAINED IN THE MEDICAL RECORDS SHOULD NOT HAVE BEEN PERMITTED TO BE REPEATED FOR ITS TRUTH BY DR. FREEDMAN

The error of which plaintiff complains, the admission of highly prejudicial hearsay, was not harmless error. If the trial

court had correctly ruled on plaintiff's objections to the hearsay statements, then necessarily the court would have needed to reconsider plaintiff's objection to the testimony of Dr. Freedman. An order should properly have been issued excluding any speculative opinion based on assumptions derived from the inadmissible hearsay, as discussed below.

To prevail on appeal plaintiff must show: 1. that the error complained of was substantial and prejudicial error; and 2. that there is a reasonable likelihood that the result would have been different without it. (See **Bowden v. Denver and R.G.W.R.R., 268 P.2d 240 (Utah 1965).**) Plaintiff has certainly established the substantial and prejudicial nature of the error, in that it precluded plaintiff's constitutional right to cross-examination and this was fatal to plaintiff's entire claim. The conclusion that the result would have been different without the disputed evidence is inescapable. Considering the fact that without the hearsay in the medical records, and without the speculative testimony of Dr. Freedman arising directly and improperly from that hearsay, there would have been no defense to Hansen's claims, thus Hansen would have prevailed.

It is true that **U.R.E. Rule 703** allows an expert to base his opinions on evidence which need not be admissible in evidence. One must approach this rule with caution, however, to avoid eviscerating the purpose and intent of the hearsay rule by allowing all hearsay and other inadmissible evidence to come into evidence through expert testimony. Experts, by virtue of the fact that they

are knowledgeable in a particular field and well educated, are generally accorded great respect by the jury. In most cases their opinions are given more weight than the opinions of lay witnesses. If experts are allowed unrestricted license to base opinions on otherwise inadmissible evidence, and to state to the jury the foundations for those opinions, it is highly likely that a jury will accept the expert's opinions. In such a case impermissible, highly prejudicial hearsay evidence will be the primary evidence upon which the jury bases its decision, as occurred in this case.

The text of **Rule 703** provides that an expert may base his opinions upon inadmissible matter if "of a type reasonably relied upon by experts in the particular field". Dr. Freedman testified that his opinions were based on the sort of records and materials of the type reasonably relied upon by physicians. [R. 506] It has been held, however, that the question of "[w]hether the underlying evidence is reasonably relied on for purposes of rule 703 is an issue for the trial judge. The expert's own testimony regarding reasonable reliance is not conclusive, being only on factor in the consideration." **Brunner v. Brown, 480 N.W.2d 33, 35 (Iowa 1992).** (Citing D. Binder Hearsay Handbook, § 103 at 457 (1983); Supp. at 267.) (Accord **City of Chicago v. Anthony, 554 N.E.2d 1381, 1388 (Ill. 1990); Zenith Radio Corporation v. Matsushita Electric Industrial Co., Ltd., et al., 505 F.Supp 1313, 1325 (D.C. Penn, 1981).**)

In this case, the underlying evidence which led to Dr. Freedman's opinion regarding the alleged "black-out" was of highly

questionable origin, considering the circumstances under which it was made. It is for the Court to determine whether, under all the circumstances, it was reasonable for Dr. Freedman to rely on this questionable evidence in reaching his opinion.

The court in **Zenith Radio Corporation v. Matsushita Electric Industrial Co., Ltd., et al., 505 F.Supp 1313 (D.C. Penn, 1981)** delineated six factors which should go into determining whether the expert reasonably relied on otherwise inadmissible materials in reaching his opinion. Id at 1330. When these factors are referenced against the facts of this case, it becomes apparent that Dr. Freedman's reliance on the otherwise inadmissible hearsay statements of Woo was not reasonable, thus his testimony relating to Woo's alleged "black-out" was inadmissible. The six factors are the extent to which:

1. The opinion is dominated by reliance on materials judicially determined to be inadmissible. If the court had correctly ruled on Hansen's objection to the admissibility of the medical records containing Woo's hearsay statement, Dr. Freedman's testimony with regard to Woo's alleged "black-out" would have been based almost exclusively on materials which had been judicially determined to be inadmissible;

2. The opinion is dominated by reliance upon other untrustworthy materials. The remainder of Dr. Freedman's testimony regarding the alleged "black-out" would have necessarily been based on untrustworthy speculation after the exclusion of the hearsay in the medical records;

3. The expert's assumptions have been shown to be unsupported or speculative. Dr. Freedman repeatedly stated in deposition testimony that he was merely "assuming he [Woo] blacked out," and that he was then asked, based upon this assumption, whether "there was any way of anticipating that." [R. 342, 347] It is evident under point three that Dr. Freedman's "assumptions have been shown to be unsupported [or] speculative";

4. The materials on which the expert relied are within his immediate sphere of expertise. It is conceded that Dr. Freedman is an expert in the field of heart disorders and arrhythmias, but nowhere in his testimony or credentials does he claim to specialize in syncopathic episodes like that alleged here, other than when they arise from heart disorders. While this clearly does not disqualify Dr. Freedman as an expert to testify to such matters, it does go to consideration raised by the Court in **Zenith** as to whether the matters testified to were within his immediate sphere of expertise;

5. The expert acknowledges the questionable reliability of the underlying information, indicating he has factored that into his consideration (the court noted in a footnote that this factor would be used only in close cases, as a true "hired gun" could always surmount it). Since this point is only to be used in limited cases, it is not considered here;

6. Reliance on certain materials, which might otherwise be reasonable, would be unreasonable on the facts of the particular case. As discussed at length above, the hearsay statements of Woo

are of questionable veracity, and they were fatally damaging to Hansen's case. When taken in the context of speculation as to whether Woo did in fact suffer a "black-out," reliance on this sort of self-serving, exculpatory statement is unreasonable.

When the factors stated by the **Zenith** court are considered, it is clear that the hearsay statements relied upon by Dr. Freedman in reaching his opinions **were not "reasonably relied upon,"** and should therefore not be considered within **U.R.E. Rule 703**. Consequently, the trial court should have excluded the testimony of Dr. Freedman speculating as to whether Woo suffered a "black-out" and whether any such "black-out" was foreseeable. Hansen respectfully requests this court to reverse the judgment of the trial court and remand the case for a new trial.

CONCLUSION

Plaintiff respectfully requests this Court to reverse the judgment of the trial court and remand for a new trial because:

1. Erroneously admitted evidence is an adequate grounds upon which to base a reversal, since the evidence **"had a substantial influence in bringing about the verdict"**;

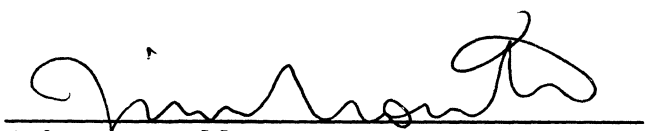
2. The hearsay statement of Defendant Woo was inadmissible. It did not come within the exceptions provided by either **Rule 803 (4) or 803 (6)**;

3. Hansen did not waive her objection to the evidence where it was timely and specifically objected to both before and during trial;

4. The trial court should have excluded the speculations of Dr. Freedman's testimony, as it was based on inadmissible hearsay. The trial court should not have allowed this hearsay into evidence by an alternate means when it should properly have been excluded in all respects.

Respectfully submitted this 9 day of November, 1992.

SIEGFRIED & JENSEN

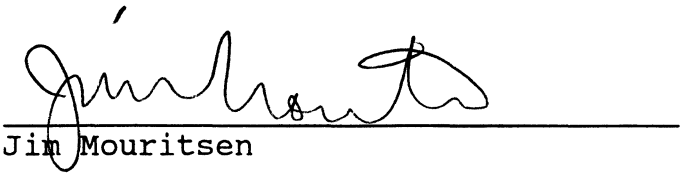


John Farrell Fay
Jim Mouritsen
Attorneys for Plaintiff/Appellant,
Gail O. Hansen

CERTIFICATE OF MAILING

The undersigned hereby certifies that four copies of the foregoing APPELLANT'S BRIEF were mailed, postage fully prepaid, this 9 day of November, 1992, to:

Roger Bullock
STRONG & HANNI
600 Boston Building
Salt Lake City, Utah 84111



Jim Mouritsen

DEFENDANT'S EXHIBIT
Civ.No.C89-662

Addendum to VA Form 10-10 and 10-10r

VETERANS ADMINISTRATION

MEDICAL CERTIFICATE

Patient Telephone #: #58

PORTANT: History, and physical findings must be recorded in sufficient detail to support the diagnosis.

DATE	2. TIME	3. AGE	4. SEX	5. ON ARRIVAL VETERAN WAS.	6. IS APPLICATION THE RESULT OF INJURY? (If "Yes" give date and cause)
7-15-88	12:24 AM PM	77	☒ M ☐ F	☐ A. AMBULATORY ☐ B. STRETCHER ☐ C. WHEELCHAIR	☒ NO ☐ YES

HISTORY (Chinese american, who il vcl. per my AO notes. Pt, on way
POSSIBLE EXPOSURE (Check box(es)). ☐ A. NONE ☐ B. HERBICIDES ☐ C. RADIATION ☐ D. ASBESTOS E. OTHER (Specify) ☐

at of VA ; on 7th East involved in multi car accident. Patient states he was driving, suddenly lost consciousness & hearing. Remembers nothing until a lady was pulling him from his car. Police state pt's car crossed the median, landed atop another car, crashed into 3-4 other vehicles, then landed upside down.... resulting in a street littered & cars. (one of which was lled & other vcts). Pt's car totalled. Pt & being pulled from car walked to side of road & appears ure deficit. C-collar placed & his parameters arrived. Pt has hx of SOB & hx CHF, bx of (Continued on reverse)

PHYSICAL EXAMINATION	A. HEIGHT	B. WEIGHT	C. TEMPERATURE	D. PULSE	E. RESPIRATION	F. BLOOD PRESSURE

ernal superficial abrasions. Cranium, vertebrae & abn. Pharynx wnl. TMs clear. Fundi- (R) & cataract, (L) benign, ∅ nodes. Onc neck
Chest & BS, e→a, crackles bases. S1S2 & S3S4 nr. Pulses full.
Abd benign. ∅ pelvic instability.
DTRs flat, ↓↓. Strength full, pinprick full, position full.
Cbl- no pronator, CHF. Neck veins- Clear to C5, can't clear C7

(Continue on reverse)

AGNOSIS:
Syncope CHF

ECOMMENDATIONS: (Include any indicated procedures, medications, diet, or other follow-up instructions)
Admit WD: _____
Date: _____ to Dr: _____
LABORATORY _____ _____ _____
X-RAY _____ _____ _____
EKG _____
OTHER

Scheduled Surgery Date: _____

11. VETERAN'S PHYSICAL STATUS (Check appropriate columns)	YES	NO
A. CAN DRESS AND USE TOILET FACILITIES WITHOUT ASSISTANCE		
B. CAN GO UP AND DOWN STAIRS		
C. CAN FEED SELF WITHOUT ASSISTANCE		
D. IS CONTINENT		
E. IS MENTALLY COMPETENT		
F. IS AMBULATORY (Omit if Item 5a, is checked)		
G. IS NOT AMBULATORY BUT CAN USE A WHEELCHAIR		
H. NEEDS AN ATTENDANT DURING TRAVEL		
I. HAS A RELATIVE FOR AN ATTENDANT		

SIGNATURE AND ADDRESS OF NON-VA PHYSICIAN

12B. PHONE NO.

12C. DATE

J. MODE OF TRAVEL (Fill in if special transportation is required)

Patient's Condition on Discharge: _____

ACTION INDICATED (To be completed by VA Personnel)

OSPITALIZATION
MERGENT ☐ URGENT ☐ GENERAL ☐ NOT REQUIRED
ADMIT ☐ PLACE IN PBC STATUS ☐ SCHEDULE

UTPATIENT TREATMENT
ED ☐ SUR ☐ PSY ☐ DENT ☐ NOT REQUIRED
UIRED TO OBVIATE THE NEED FOR HOSPITALIZATION? ☐ YES ☐ NO
DMIT TO CARE ☐ REFER TO COMM. SOURCES (Indicate)

15. ☐ DOMICILIARY CARE ☐ MED. ELIG. ☐ MED. INELIG.

16. ☐ NURSING HOME CARE REQUIRED ☐ YES ☐ NO

out-1600
code-15

17. SIGNATURE OF VA OFFICIAL